IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2567 OF 2006

Balu Shankar Patil — Petitioner
vs.
The State of Maharashtra — Respondents

Smt.V.S.Mhaispurkar for the petitioner.

Mr.S.S.Pednekar, APP for State.

CORAM : SMT.RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 21st February, 2007

P.C.

The petitioner is undergoing life imprisonment in Kalamba Central Prison, Kolhapur. His application for parole has been rejected by the Under Secretary, Home Department, Government of Maharashtra by order dated 14.8.2006. Hence he has filed this writ petition through jail praying that the said order be set aside and he be released on parole.

2. We have heard the learned counsel for the petitioner. She has reiterated the case of the petitioner as set out in the petition filed through jail that the petitioner's wife is ill and therefore the petitioner may be released on parole.

3. On the last occasion, we had directed the learned APP to obtain instructions. Accordingly, the learned APP has obtained instructions from Mr.Y.B.Phad, Jailor, Kalamba Central Prison who is present in Court. On instructions from him, the learned APP states that the petitioner's wife Indubai had suffered a fracture of the left leg. Copy of certificate of Dr.Joshi, Orthopaedic Surgeon of Orthopaedic Centre, Kolhapur is tendered in the Court.

4. The learned counsel for the petitioner states that in view of the fracture suffered by the wife of the petitioner, the petitioner may be released on parole. She submitted that earlier on two occasions the petitioner was released on furlough. On one occasion, the petitioner surrendered to the jail within time. On the other occasion, the petitioner surrendered late. However, for that he has been punished in accordance with law.

5. In our opinion, in the facts and circumstances of the case, the petitioner ought to be released on parole. However, we direct that the petitioner shall not enter village-Sake, Tal. Kagal, during the period of parole as the complainant and his family reside there. While on parole, the petitioner shall attend the Kagal Police Station on every alternate day between 2 p.m. to 7 p.m.

The petitioner shall surrender to the Prison on expiry of the period of parole.

6. Petition is disposed of in the aforesaid terms.

[SMT.RANJANA DESAI,J.]

[ANOOP V. MOHTA,J.]